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ATTORNEY DOCKET NO.: 2002834-0223
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caplan, et al. Examiner: Weddington, K.
Serial No.: 10/798,534 Art Unit: 1614
Filing Date: March 11, 2004
Title: CONDUCTANCE OF IMPROPERLY FOLDED PROTEINS
THROUGH THE SECRETORY PATHWAY AND RELATED
METHODS FOR TREATING DISEASE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

☒ An *original* Information Disclosure Statement; or

☐ A *supplemental* Information Disclosure Statement.

Certificate of Mailing

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10/18/04

Date

Sandra Saccocia/rmd

Signature

Sandra Saccocia

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
 - ☐ Within three months of the filing date of a national application other than a continued prosecution application under § **1.53(d)**;
 - ☐ Within three months of the date of entry of the national stage as set forth in § **1.491** in an international application;
 - ☒ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § **1.114**.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § **1.113**, a notice of allowance under § **1.311**, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
 - ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual

designated in § **1.56(c)** more than three months prior to the filing of the information disclosure statement.; or

☐ Includes herewith the fee set forth in § **1.17(p)**,

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § **1.113**, a notice of allowance under § **1.311**, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § **1.56(c)** more than three months prior to the filing of the information disclosure statement.; and

☐ Includes herewith the fee set forth in § **1.17(p)**.

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☐ A copy of each cited reference not indicated with an asterisk is included;
- ☒ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status
09/976,963	September 23, 2003	Granted

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☐ Does not contain non-English language citations;
- ☐ Does contain non-English language citations, of which the following is a concise explanation:
- ☐ Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that:

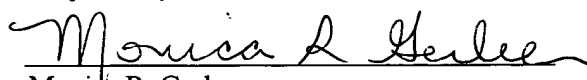
1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Dated: Oct. 18, 2004

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Respectfully submitted,


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TRANSMITTAL LETTER

Enclosed are the following documents:

1. Information Disclosure Statement (5 pages);
2. Form PTO-1449 (13 page);
3. Cited Art (14); and
4. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

Monica R. Gerber
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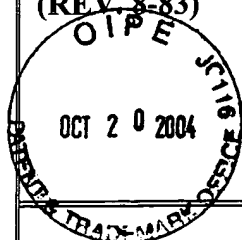
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on October 18 2004
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INFORMATION DISCLOSURE STATEMENT

Applicant: Caplan *et al.*Filing Date:
March 11, 2004

Group:

U. S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	6,673,843	Arbiser	January 6, 2004	514	679
	6,664,272	Snyder et al.	December 16, 2003	514	327
	*6,344,475	Caplan et al.	February 5, 2002	514	431
	*6,323,191	Harris et al.	November 27, 2001	514	169
	*6,093,567	Gregory et al.	July 25, 2000	435	320.1
	*6,015,828	Cuppoletti	January 18, 2000	514	397
	*5,985,824	Cheng et al.	November 16, 1999	514	2
	*5,981,714	Cheng et al.	November 9, 1999	530	388.2
	*5,942,493	Kutscher et al.	August 24, 1999	514	15
	*5,939,536	O'Riordan et al.	August 17, 1999	530	413
	*5,912,176	Wang	June 15, 1999	435	452
	5,891,924	Aggarwal	April 6, 1999	514	679
	*5,886,026	Hunter et al.	March 23, 1999	514	449
	5,877,210	Schieven	March 2, 1999	514	492
	*5,869,264	Horisberger et al.	February 9, 1999	435	7.1
	*5,866,319	Alizon et al.	February 2, 1999	435	5
	5,861,415	Majeed et al.	January 19, 1999	514	321
	*5,861,259	Roberts et al.	January 19, 1999	435	7.1
	5,846,998	Schieven	December 8, 1998	514	492
	*5,834,421	Cheng et al.	November 10, 1998	514	2
	*5,384,128	Meezen et al.	January 24, 1995	424	450
	*5,750,571	Cheng et al.	May 12, 1998	514	557
	*5,707,855	Hancock et al.	January 13, 1998	435	252.33
	*5,734,023	Nag et al.	March 31, 1998	530	403
	*5,733,720	Olivo	March 31, 1998	435	5
	5,679,864	Krackov et al.	October 21, 1997	568	313
	*5,674,898	Cheng et al.	October 7, 1997	514	557
	*5,763,263	Dehlinger	June 9, 1998	435	287
	*5,639,458	Olsson et al.	June 17, 1997	424	185.1
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	*5,602,110	Drumm et al.	February 11, 1997	514	47
	*5,434,086	Collins et al.	July 18, 1995	435	125
	5,401,777	Ammon et al.	March 28, 1995	514	731
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	*5,364,762	Dornmair et al.	November 15, 1994	435	7.24
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Form PTO-1449 (REV. 8-83)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 2002834-0223	In re Application No. 10/798,534
INFORMATION DISCLOSURE STATEMENT				Applicant: Caplan <i>et al.</i>	
				Filing Date: March 11, 2004	Group:
U.S. PATENT APPLICATIONS					
Examiner's Initials	Serial No. or Publication No.	Applicant	Filing Date		
	2002/0019382	Snyder et al.	February 14, 2002		
	2001/004117	Chikamatsu et al.	June 21, 2001		
	2001/0036919	Nadel et al.	November 1, 2001		
FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	WO 01/40188				
	*WO 00/70949	PCT	30 November 2000		
	*WO 00/24391	PCT	02 May 2000		
	*WO 98/37878	PCT	03 September 1998		
	*WO 95/12420	PCT	11 May 1995		
	*WO 95/07933	PCT	23 March 1995		
	*WO 95/05810	PCT	02 March 1995		
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Examiner's Initials	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)				
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INFORMATION DISCLOSURE STATEMENT			
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INFORMATION DISCLOSURE STATEMENT			
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